



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

February 27, 2006

Reply To
Attn Of: ETPA-088

Ref: 05-009-NOA

Sally Butts, Project Manager
U.S. Fish and Wildlife Service
510 Desmond Drive S.E., Suite 102
Lacey, WA 98503-1263

Dear Ms. Butts:

The U.S. Environmental Protection Agency (EPA) has reviewed the final Environmental Impact Statement (EIS) and Forest Practices Habitat Conservation Plan (FPHCP) (CEQ No. 20050054) for the State of Washington in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we evaluate the document's adequacy in meeting NEPA requirements.

The State of Washington submitted applications to the National Marine Fisheries Service and U.S. Fish and Wildlife Service (the Services) for authorizations that would allow for the incidental take of aquatic species under the Endangered Species Act through Section 10(a)(1)(B) and Section 4(d). The final EIS proposes two No Action Scenarios wherein take permits would not be issued and three action alternatives that describe outcomes of issuing various take authorizations. Alternative 2 (Proposed Alternative) would result in the Services issuing Incidental Take Permits (ITPs) to the State of Washington authorizing the incidental take of threatened or endangered salmonids through the implementation of a statewide programmatic FPHCP. The FPHCP would incorporate the current Washington Forest Practices Rules based on the Forests and Fish Report, effective July 2001.

EPA's comments on the draft EIS and HCP primarily focused on water quality, pesticide usage, and the potential effects of exempting 20-acre parcels on watershed health. We appreciate that corrections and additions were made to the final EIS to address our comments regarding water quality. We would like to point out one correction to the text in Section 2.3.4.1. The agency that establishes the timing for Total Maximum Daily Loads is the State of Washington Department of Ecology not the EPA.

We recommended including the goal of determining trends in water quality and aquatic habitat into the intensive monitoring program. The final EIS explains that the goal of intensive monitoring program is to determine if implementation of the full range of FPHCP protection measures is preventing cumulative watershed effects. It indicates that the effectiveness and extensive monitoring programs will address questions regarding water quality and aquatic habitat. EPA agrees with the overall intent of the program. We also believe that an important

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component of the monitoring program is analysis of status and trend information to determine whether implementation of the FPHCP is resulting in water quality standards being met. We look forward to continuing to work with all parties in order to meet that goal.

EPA appreciates the detailed information provided in the final EIS, Volume II, Response to Comments, regarding the analyses of the exempt 20-acre parcels. EPA commented on the potential cumulative effects on watersheds that have a high proportion of exempt 20-acre parcels. Although there is a wide discrepancy in the cited two studies regarding stream miles that could be affected, the final EIS notes that data collected from 2002 - 2005 indicates that harvest within the riparian management zone is uncommon. We appreciate that this information was added to the final EIS and encourage the continued monitoring of this trend and its effect on water quality and aquatic habitat.

EPA recommended that additional details about herbicide usage be included in the final EIS as well as a discussion of their toxicity and persistence. The final EIS did not include additional information on herbicide usage. However, the document notes that pesticide application on forestland is relatively infrequent and that the 50-foot buffer width required for aerial application is partially effective in meeting water quality standards. EPA recommends that the usage of pesticides that their effects continue to be monitored and trends analyzed as part of the overall monitoring strategy.

We appreciate the opportunity to review the final EIS and FPHCP and appreciate the effort of the Service to address public comments. If you would like to discuss issues related to our review, please contact me at (206) 553-1601 or Denise Clark at (206) 553-8414.

Sincerely,



Christine B. Reichgott, Manager
NEPA Review Unit

cc: Tom Eaton, Director, EPA Washington Operations Office
NOAA, Office of Program Planning and Integration (PPI)